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FMC CORPORATION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

**MAD ATOM LLC, a California Limited
Liability Company,**

Plaintiff,

vs.

**FMC FOUNDATION, a California
corporation; FMC CORPORATION, a
Delaware corporation a/k/a FOOD
MACHINERY CORPORATION; and
DOES 1 through 10, inclusive.**

Defendants.

**FMC CORPORATION, a Delaware
corporation a/k/a FOOD MACHINERY
CORPORATION,**

Counter-claimant,

vs.

**MAD ATOM, LLC, a California
Limited Liability Company,**

Counter-defendant.

Case No. 5:22-cv-01402-SSS-SP
Honorable Sunshine S. Sykes
Courtroom 2

**DECLARATION OF JEFFREY M.
GOLDMAN IN SUPPORT OF FMC
CORPORATION'S MOTION FOR
ATTORNEY'S FEES**

DATE: October 3, 2025
TIME: 2:00 p.m.
PLACE: Courtroom 2

[Filed concurrently with FMC's
Motion for Attorney's Fees and
[Proposed] Order]

Complaint Filed: December 29, 2021
Judgment Entered: August 18, 2025

DECLARATION OF JEFFREY M. GOLDMAN

I, Jeffrey M. Goldman, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and a Partner in the law firm of Troutman Pepper Locke LLP (“**Troutman**”), attorneys of record for defendant FMC Corporation (“**FMC**”). The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. Troutman, and the legacy firm Troutman Pepper Hamilton Sanders LLP, has represented FMC in connection with the instant lawsuit since June 20, 2022, shortly before this matter was removed from the Superior Court of California, County of Riverside to this Court on August 5, 2022. I have been working on this case continuously since June 20, 2022.

3. This was a highly-contested case and actively litigated by plaintiff Mad Atom LLC (“**Mad Atom**”) since the removal more than three years ago as demonstrated by, among other things, the 120 court filings on the case docket through the filing of reply briefs on FMC’s motion for summary judgment on October 25, 2024. As a result of many deficiencies in Mad Atom’s alleged claims, FMC prepared and filed multiple rounds of motions to dismiss Mad Atom’s complaints as well as FMC’s motion for judgment on the pleadings.

4. Mad Atom also propounded voluminous discovery requests on FMC to which FMC was required to respond as well as prepare and serve its own affirmative discovery. The parties noticed and took several depositions during fact and expert discovery, and expert witnesses prepared reports, which were produced. FMC was also required to prepare and file a motion for summary judgment that addressed several legal and factual issues on Mad Atom’s claims—in addition to the limited dispositive issue of whether any law required remediation of the asbestos or lead—following the Court’s denial FMC’s motion for leave to file more than one motion for summary judgment. [See dkt. 82].

1 5. True and correct copies of Troutman's invoices for services rendered to
2 FMC in the instant matter are attached hereto as **Exhibit 1**. These invoices reflect the
3 billers for this matter, their hourly rates, tasks performed, and hours worked on the
4 specified date(s). As reflected in **Exhibit 1**, FMC is seeking to recover \$989,991.51
5 in total attorneys' fees and \$17,184.73 in total costs that have been billed by Troutman.

6 6. It is the regular business practice of Troutman's attorneys and other
7 professional timekeepers to maintain detailed timesheets reflecting the time spent by
8 them on a particular legal matter, broken down into increments of tenths of an hour
9 (six minutes). This information is entered by Troutman's personnel into a centralized
10 billing system from which it is possible to generate pre-bills and invoices reflecting all
11 time and expenses billed to a particular matter (but not yet billed to a client) as of a
12 particular date. Prior to being issued to a client, the bills are reviewed for accuracy
13 and to eliminate all entries that are viewed to be excessive, redundant, or otherwise
14 unfair to bill to the client.

15 7. Troutman sets standard hourly rates based on information concerning
16 the prevailing market rates for similar services by lawyers of reasonable comparable
17 skills and experience who are lawyers in other large firms in the Los Angeles/Southern
18 California metropolitan region.

19 8. Attached as **Exhibit 2** is a true and correct copy of Wolters Kluwer's
20 2022 Real Rate Report which shows the hourly billable rates of attorneys in different
21 cities, practices and sizes of law firms.

22 9. I have been involved in litigating matters for more than 20 years at the
23 administrative, state court, and federal court levels. I have practiced law since 2004
24 and am a graduate of UCLA School of Law and a member of the Order of the Coif. I
25 have been named to Super Lawyers' Rising Stars in 2012, 2013, 2014, and 2019. In
26 2018, I was the only attorney at Pepper Hamilton LLP, another legacy firm to
27 Troutman, to be named to the BTI Consulting Services All Stars list. In 2021 - 2026,
28 I have been named to Best Lawyers in America® for commercial litigation. I have

1 been a partner at the firm for over ten years (first at Pepper Hamilton LLP, then at
2 Troutman Pepper Hamilton Sanders LLP, now at Troutman Pepper Locke LLP). My
3 billing rate in this action was \$729/hour in 2022, \$918/hour in 2023 and 2024, and
4 \$1,008/hour in 2025. My 2018, 2019, and 2020 bill rates were awarded in 2021 by
5 the Orange County Superior Court when granting a fee application filed in the matter
6 captioned *Palo Capital, Inc. v. Michael Cannivet*. Also, my billing rate of \$810/hour
7 in 2021 was approved by the United States Bankruptcy Court for the Central District
8 of California in the *Southwest Guaranty Investors, Ltd. v. Mark Abbey Slotkin*
9 adversary proceeding (Case No. 2:20-ap-01142-BB) (the “**Slotkin case**”), which
10 granted my client Southwest Guaranty Investors, Ltd.’s motion for attorney’s fees on
11 December 14, 2022. This Court in the *Slotkin* case also approved the billing rate of
12 \$700/hour in 2021 for my former partner, Luke N. Eaton, Esq., as well as the billing
13 rate of \$595/hour in 2021 for my former colleague, Whitney Tantisuwanna, Esq. A
14 true and correct copy of my firm biography is attached hereto as **Exhibit 3**.

15 10. Barry H. Boise, Esq. is a partner at Troutman with over 30 years of
16 experience working in commercial and business litigation. Mr. Boise has practiced
17 law since around 1993, and received his juris doctor degree from Penn State Dickinson
18 Law where he graduated *cum laude* and served as associate editor of the *Dickinson*
19 *Law Review*. Mr. Boise’s billing rate in this action was \$895.50/hour in 2022 and
20 \$1,206.00/hour in 2023. A true and correct copy of Mr. Boise’s firm biography is
21 attached hereto as **Exhibit 4**.

22 11. Former Troutman partner Richard P. O’Leary, Esq. had over 40 years
23 of experience working in commercial and product liability litigation. Mr. O’Leary has
24 practiced law since around 1981, and received his juris doctor degree from
25 Georgetown University Law Center. Mr. O’Leary’s billing rate in this action was
26 \$1,125.00/hour in 2024.

27 12. Robert A. Friedel, Esq. is a partner at Troutman with over 35 years of
28 experience working in corporate law. Mr. Friedel has practiced law since around 1986,

1 and received his juris doctor degree from University of Pennsylvania Carey Law. Mr.
2 Friedel's billing rate in this action was \$868.50/hour in 2022. A true and correct copy
3 of Mr. Friedel's firm biography is attached hereto as **Exhibit 5**.

4 13. Former Troutman associate Sevana Haroutunian, Esq. had over 4 years
5 of experience working in commercial litigation. Ms. Haroutunian has practiced law
6 since around 2017, and received her juris doctor degree from University of California,
7 Los Angeles School of Law. Ms. Haroutunian's billing rate in this action was
8 \$612/hour in 2022 and \$747/hour in 2023.

9 14. Andrick Zeen, Esq. is an associate at Troutman with over 4 years of
10 experience working in commercial and business litigation. Mr. Zeen has practiced law
11 since 2020, and received his juris doctor degree from University of California, Irvine
12 School of Law. Mr. Zeen's billing rate in this action was \$436.50/hour in 2022,
13 \$603/hour in 2023, \$603/hour in 2024, \$693 in 2025. A true and correct copy of Mr.
14 Zeen's firm biography is attached hereto as **Exhibit 6**.

15 15. Nicholas Schuchert, Esq. is an associate at Troutman with over 9 years
16 of experience working in commercial and business litigation. Mr. Schuchert has
17 practiced law since 2015, and received his juris doctor degree from University of
18 California, Irvine School of Law. Mr. Schuchert's billing rate in this action was
19 \$756/hour in 2023. A true and correct copy of Mr. Schuchert's firm biography is
20 attached hereto as **Exhibit 7**.

21 16. Kaitlin L. Meola, Esq. is an associate at Troutman with over 5 years of
22 experience working in commercial litigation. Ms. Meola has practiced law since 2019,
23 and received her juris doctor degree from Rutgers Law School where she graduated
24 *cum laude* and served as administrative editor of the *Rutgers University Law Review*.
25 Ms. Meola's billing rate in this action was \$648/hour in 2024. A true and correct copy
26 of Ms. Meola's firm biography is attached hereto as **Exhibit 8**.

27 17. Chloe Ann C. Lee is an associate at Troutman with over one and a half
28 years of experience working in commercial and business litigation. Ms. Lee has

1 practiced law since 2023, and received her juris doctor degree from University of
2 California, Irvine School of Law where she served as staff and associate editor of the
3 *UC Irvine Law Review*. Ms. Lee's billing rate in this action was \$531/hour in 2024.
4 A true and correct copy of Ms. Lee's firm biography is attached hereto as **Exhibit 9**.

5 18. Michael I. Frankel, Esq. is counsel at Troutman with over 10 years of
6 legal experience managing electronic discovery projects. He works in Troutman's
7 litigation support department, eMerge. Mr. Frankel has practiced law since around
8 2002, and received his juris doctor degree from Villanova University Charles Widger
9 School of Law. Mr. Frankel's billing rate in this action was \$405/hour in 2002. A
10 true and correct copy of Mr. Frankel's firm biography is attached hereto as **Exhibit**
11 **10**.

12 19. Former Troutman attorney Kevin P. Duncan, Esq. has over 10 years of
13 experience managing electronic discovery projects. He worked in Troutman's
14 litigation support department, eMerge. Mr. Duncan has practiced law since around
15 2004, and received his juris doctor degree from Loyola University New Orleans
16 College of Law. Mr. Duncan's billing rate in this action was \$297/hour in 2022. I
17 understand that Mr. Duncan is currently a senior director at FTI Consulting.

18 20. Alexander G. Crump is a paralegal at Troutman with over 30 years of
19 experience managing litigation in state and federal courts. Mr. Crump received his
20 juris doctor degree from University of Richmond School of Law in 1991. Mr. Crump's
21 billing rate in this action was \$247.50/hour in 2022.

22 21. Former Troutman research librarian Rose Spagnoli has over 10 years of
23 experience conducting business and legal research as well as investigations. Ms.
24 Spagnoli received a master's degree in library and information science from
25 Dominican University. Ms. Spagnoli's billing rate in this action was \$225/hour in
26 2022. I understand that Ms. Spagnoli is currently a research analyst for the law firm
27 Greenberg Traurig LLP.

28 22. Mad Atom filed the Second Amended Complaint, including Exhibits A

1 through C attached thereto, (“**SAC**”) on March 30, 2023. [Dkt. 61].

2 23. Attached hereto as **Exhibit 11** is a true and correct copy of Exhibit A to
3 Mad Atom’s SAC which is the Agreement of Purchase and Sale and Escrow
4 Instructions between non-party MLM Properties, LLC (“**MLM**”) and non-party FMC
5 Foundation, dated April 19, 1995, for the real property located 3007 – 3087 12th
6 Street, Riverside, California 92507 (the “**Agreement**”).

7 24. Attached hereto as **Exhibit 12** is a true and correct copy of Exhibit B to
8 Mad Atom’s SAC which is the Assignment/Assumption Regarding Warranties,
9 Indemnities and Contract Rights, dated April 6, 2017, executed by Mad Atom and
10 MLM (the “**Assignment**”).

11 25. On August 15, 2025, I attended a meet and confer conference call with
12 Mad Atom’s counsel, Mohammad Fakhreddine, to discuss FMC’s anticipated motion
13 for attorneys’ fees (the “**Motion**”). During this phone call, I discussed the substance
14 of FMC’s Motion with Mr. Fakhreddine, including the fact that the contract documents
15 included prevailing party attorneys’ fees provisions. I asked Mr. Fakhreddine if Mad
16 Atom would stipulate to payment of FMC’s attorneys’ fees to avoid the need for
17 motion practice and the incurring of still further fees which FMC would seek as a part
18 of that motion practice. Mr. Fakhreddine asked to see back-up documentation to
19 discuss with his client. I then provided him with a chart listing, by year, each of the
20 billers, their hourly rates, and fees incurred in connection with this Action. Mr.
21 Fakhreddine did not respond after that point to my request to stipulate to payment of
22 fees thus necessitating this Motion.

23 I declare under penalty of perjury pursuant to the laws of the State of California
24 that the foregoing facts are true and correct.

25 Executed on September 2, 2025 at Los Angeles, California.

26
27 /s/ Jeffrey M. Goldman

28 JEFFREY M. GOLDMAN